

Message Text

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FM AMCONSUL JERUSALEM

TO SECSTATE WASHDC 7476

INFO AMEMBASSY TEL AVIV

C O N F I D E N T I A L JERUSALEM 1664

E.O. 11652: GDS

TAGS: CPRS, OGEN, IS, JO

SUBJ: PROPERTY CLAIMS OF RUSSIAN ECCLESIASTICAL MISSION IN
JERUSALEM

REF: JERUSALEM 1623

1. IN FOLLOW-UP TO OCTOBER 8 CONVERSATION (REFTEL), HEAD OF
RUSSIAN ECCLESIASTICAL MISSION (REM), ARCHIMANDRITE ANTHONY
GRABBE, ACCOMPANIED BY ATTORNEYS M. SHARF AND AZIZ SHEHADEH
CALLED ON ME OCT. 15. SCHARF, WHO IS EXPERT IN LAND MATTERS,
WENT INTO CONSIDERABLE DETAIL CONCERNING LAW SUITS INITIATED
IN 1971 AND 1972 AS TO REM PROPERTY IN JAFFA AND 1972
LAW SUIT AGAINST GOI RE WEST JERUSALEM PROPERTY. FIRST TWO
SUITS ARE FOR TRESPASSING BUT ALL THREE ARE DESIGNED TO
ESTABLISH TITLE OF REM, AND IN JERUSALEM CASE ITS SISTER LAY
BODY, THE ORTHODOX PALESTINE SOCIETY (OPS), TO PROPERTIES IN QUES-
TION.

2. SCHARF REVIEWED VARIOUS POSTPONEMENTS AND OTHER ACTIONS
TAKEN WHICH HAVE LED GRABBE AND HIS LAWYERS TO CONCLUDE COURTS
ARE BEING UNDULY INFLUENCED BY GOI TO DELIBERATELY DELAY
JUDICIAL PROCESS. LATEST PROBLEM
IS DELAY IN JAFFA CASE (WHICH SCHARF SAID HAD BEEN ON VERGE
OF CONCLUSION) BECAUSE OF REQUEST FOR EVIDENCE OF REM'S STATUS
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AS LEGAL ENTITY. THIS ISSUE HAS NEVER ARISEN BEFORE DURING

ENTIRE JAFFA PROCEEDINGS SINCE 1971. IN MAKING REQUEST NOW JUDGE CITED PROCEEDINGS IN JERUSALEM CASE, WHERE EVIDENCE RE REM'S STATUS WAS REQUESTED SOMETIME AGO AND SUBMITTED. GRABBE BELIEVES ISSUE WAS ABOUT TO BE RESOLVED IN REM'S FAVOR WHEN RECENTLY AN UNUSUALLY LATE REQUEST FOR SIMILAR EVIDENCE RE OPS (CO-PLAINTIFF IN THAT CASE) HAS RESULTED IN FURTHER DELAY. GRABBE AND LAWYERS BELIEVE THAT REM AND OPS HAVE STRONG CASE ON ALL COUNTS, THAT REM AND OPS ARE LEGAL PERSONS AND THAT THEIR OWNERSHIP OF PROPERTY CAN BE PROVEN, BUT THEY ARE CONCERNED AT WHAT THEY CONSIDER OBSTRUCTION OF NORMAL JUDICIAL PROCESS.

3. AS INDICATED REFTEL, GRABBE BELIEVES GOI MANEUVERING BEHIND SCENES IN ORDER FRUSTRATE REM'S LEGAL EFFORTS TO ESTABLISH CLEAR TITLE TO PROPERTY AND PERHPAS FORCE IT INTO UNSATIS-
FACOTYR OUT-OF-COURT SETTLEMENT. HE HAS REQUESTED USG ASSIS-
TANCE IN MOVING LEGAL PROCEEDINGS ALONG TO NORMAL CONCLUSION,
ON GROUNDS REM HAS RIGHT TO EXPECT SETTLEMNT AT EARLY DATE
OF LIGATION BEGUN IN 1971 AND 1972. HE CLAIMS REM HAS ACTED
IN GOOD FAITH IN PURSUING LEGAL COURSE BUT NOW BELIEVES IT
IS BEING DENIED DUE PROCESS.

4. I TOLD GRABBE THAT I HAD ALREADY REPORTED HIS EARLIER
APPROACH AND WOULD REPORT THIS APPROACH AS WELL. I PROMISED
TO BE IN TOUCH AS SOON AS DEPT VIEWS RECIVED.

5. COMMENT: DEPT MAY WISH CONSIDER POSSIBILITY OF LOW KEY
APPROACH TO GOI CONCERNING VERY LENGTHY PROCEEDINGS IN THESE
CASES AND INQUIRY WHETHER IT NOT POSSIBLE MOVE MATTERS ALONG
TO REASONABLY RAPID CONCLUSION. WHETHER DELIBERATE OR NOT,
LONG DELAY IN SETTLING CASES WOULD SEEM TO PROVIDE
BASIS FOR APPROACH AND MIGHT HELP EXPEDITE PROCEEDINGS.
SHOULD DEPT FAVOR SUCH COURSE, WE COULD PROVIDE MORE DETAILS
ON PROCEEDINGS TO DATE IF DESIRED. ALTERNATIVELY, GRABBE
AND ATTORNEYS WOULD PROBABLY BE WILLING GO TO WASHINGTON
TO PROVIDE DETAILS.
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